



City of Naples

Naples City Council Meeting Agenda
February 10, 2022 - 7:30 p.m.
1420 East 2850 South
Naples, UT 84078

Opening Ceremonies

1. Approval of Agenda
2. Approval of Minutes - January 27, 2022 Regular Council Meeting
3. Any Follow Up Matters from January 27, 2022
4. Approval of Bills
5. Business License Approval - 360 Sports - 540 S Wright Brothers Dr.
6. 2000 East Change Order Approval - Update on Project
7. Citizen Request to Address Council Regarding Sign - Jessy McKee
8. Review Draft Resolution 22-339 Regarding Self-Help Housing Lots in Pheasant Run Subdivision
9. Department Reports
10. Other Matters/Future Council Matters
11. Motion to Adjourn

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Naples City offices at 789-9090, 1420 East 2850 South, Naples, UT 84078 at least 48 hours in advance of the meeting. Meetings are held at 1420 East 2850 South, Naples, UT.

The undersigned, duly appointed City Recorder, does hereby certify that the above agenda was faxed or emailed to the Vernal Express.

The agenda was also posted on the City's website www.naplescityut.gov, and on the State Public Meeting Notice website <https://pmn.utah.gov>. Nikki W. Kay

Naples City Council

January 27, 2022

Minutes

The regularly scheduled meeting of the Naples City Council was held January 27, 2022, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

Council members attending were Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds. Dean Baker was absent.

Others attending were Bart Jensen, Barbara Simper, Samuel Simper, Darlene Reilley, Greg Lamb, Makayla Chandler, Jennifer Chandler, Joshua Bake, Mark Watkins, Marlene Watkins, Rylee Roth, Robert Roth, Judy Roth, Chelsea Roth, Braxton Coonis, Angie Simper, Khloee Simper, Mike Gledhill, Kim Kay, Gwen Harrison, Scott Gray, David Lacy, Chance Kirkham, Dalton Roth, Ryan Cook, Szeth Simmons, Nathan Simper, Micheal Davis and Nikki Kay.

Dan Olsen welcomed everyone and called the meeting to order at 7:30 p.m. Councilman Reynolds opened the meeting with the pledge of allegiance. Councilman Gordon Kitchen offered the invocation.

Judge Gregory Lamb administered the oath of office to Chief Nathan Simper and Officer Dalton Roth. The ceremony was completed as Chief Simper's wife Angie pinned his Chief stars and Dalton Roth's wife Rylee pinned his badge.

Mayor Pro Tempore Dan Olsen asked for approval of the agenda. Robert Hall **moved** to approve the agenda. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

The minutes of the regular city council meeting of January 13, 2022 were presented for approval. Dennis Long **moved** to approve the minutes of January 13, 2022. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting in the affirmative.

Dan Olsen asked if anyone had anything they wanted to follow up on from the previous meeting. Nothing was

DATE, TIME & PLACE OF MEETING

COUNCIL MEMBERS ATTENDING

OTHERS ATTENDING

OPENING CEREMONY

S W E A R I N G I N CEREMONY

AGENDA APPROVED

MINUTES APPROVED

FOLLOW UP ITEMS FROM PREVIOUS MEETING

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brought forward.

Nikki Kay presented the bills for payment in the amount of \$38,651.91. Robert Hall **moved** to approve the expenses for that amount. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

APPROVAL OF THE BILLS

Nikki Kay presented the business license application of **Shenanigans Productions** for approval. The business is a home occupation business located at 1793 E Split Mtn Drive. She stated the business provides photography and video production services. The business is a home occupation but most of the photography services will be at a location. Nikki stated the license was recommended for approval by Dale Peterson. Dennis Long **moved** to approve the business license for Shenanigans Productions. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

BUSINESS LICENSE APPROVAL

Micheal Davis presented an amended subdivision plat to the Council for approval. He explained the subdivision was the property owned by IFA near the IFA store and the Microtel motel. Micheal stated the amended lot keeps the provisions of the first approved subdivision with shared parking lots, a right-of-way for IFA, and common access provides the required frontage. Councilman Long wanted to know if they have a potential development and if that is why they are dividing the lots. Micheal said not that he knows of. Councilman Long also asked about access onto 1000 South. Micheal stated there is nothing being presented for that right now. Dennis Long **moved** to approve the amended subdivision plat for IFA. Kenneth Reynolds **seconded** the motion. The motion passed with all voting in the affirmative.

APPROVE IFA AMENDED SUBDIVISION PLAT

Micheal Davis explained the self help housing lots in Pheasant Run to those in attendance at the meeting. He also explained the possibility of reverter provision the City placed on the lots. He explained the City received a grant to purchase the lots and allowed UBAOG to use those lots for the self-help houses program, with the understanding that the owners did not have to pay for the lots unless they

DISCUSSION ON PHEASANT RUN SELF HELP HOUSING LOTS AND THE POSSIBILITY OF REVERTER PROVISION

turned their homes into rental or commercial properties. Micheal told the Council that as he has discussed the possible removal of the "reverter" provision on the lots with Mr. Judd. He was told by Mr. Judd that the City has to decide if they have received full value for the land and what would be fair to those who have already paid. Micheal stated that Mr. Judd did not feel that ten years was enough time to receive that value, he thought it should be fifteen to twenty. Mr. Judd explained to Mike that the Council would need to do a Resolution and could place the City in a subordinate position on the reverter and that would make it easier for anyone trying to purchase those homes. Mr. Judd also told him that fifteen years would be closer to a time frame of the City receiving the full value for the land. Councilman Kitchen stated there have been many changes in the State law allowing people to rent their homes and wanted to know how those changes might affect this discussion. Micheal was not sure about that, he just said Mr. Judd felt better about the time frame being at least fifteen years because anything quicker would not be fair to those who have paid and would provide enough time to prove the City received value out of the money granted. Councilman Olsen raised a question about what happens to the reverter in the case of a death. Micheal said it wouldn't matter, the stipulations are tied to the property. Councilman Reynolds wondered if they needed more time to think about this. Micheal stated it would be nice if any of them had any thoughts on this if they would get with him and they could put it back on the agenda for more discussion. He just wanted them to know Mr. Judd thought it should be fifteen to twenty years when determining whether or not the City received value for the land. Councilman Reynolds said the City has received Federal money and doesn't want to be showing favor to some and not to others. Micheal said the next step would be to create the Resolution and it would be helpful if he had a recommendation on the time frame so he could do some research on the value of things. Councilman Long stated that most mortgage loans are at least fifteen years. Councilman Hall asked if that would be fifteen years going forward or fifteen years from the start of the warranty deeds. Micheal said it would be fifteen years from September 2012. Most of the Council members were okay with the fifteen years. Councilman Kitchen said the thoughts were to turn around and use the money for something similar but the City would never be able to purchase a lot for \$28,5000 in today's market. He said he didn't really have a strong feeling one way or another on the time frame. Councilman Reynolds

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suggested they put the time frame of fifteen years and make sure to include the subordination clause in the Resolution. Councilman Hall said they would just like to see it end and there were good intentions but there were unexpected complications. Councilman Olsen asked Micheal to work on the Resolution and bring it back to Council when he is ready.

Council members received a copy of the financial statement and Micheal asked if they had any questions. Nothing was brought forward.

Mayor Pro Tem Dan Olsen asked for department reports. Szeth Simmons said they have been discussing the signs at the park requiring dogs to be on a leash. He spoke with Chief Simper and he recommended the signs be larger. Szeth said he also spoke with Dustin Hinkle with the Recreation District and he likes the idea of dogs being on a leash and he wanted to try and work on getting some more signs.

Chief Simper wanted to update the Council on a meeting he just attended with the governing board for the Uintah Basin Strike Force. He reported the members of the Strike Force have not had an increase in wages since 2006. Chief Simper stated he will be bringing more information to them in the future but the different entities are probably looking at an increase in their annual distributions. He reported that Officer Kirkham and Officer Roth are both off of their six-month probation and have been moved into permanent full time duties. Chief Simper said he will be accepting applications for the number two position in the department and will review those for the best candidate. Mike wanted the Council to know the position will be that of Sergeant. Councilman Long asked about the crime rate for 2021 to 2022. Chief Simper stated the numbers are fairly consistent between last year and this year but they have been down two officers so that might be effecting those numbers.

Ryan Cook reported on the storm drain issues by Hunter Hollow and said he spoke with someone at KW Trucking and they were on board with coming to pump out the drain box when the need arises. Councilman Reynolds asked Ryan about an access onto 1000 South from IFA. He said it has been discussed in the past, but he would need to talk with someone at IFA.

Gwen Harrison reported on the last meeting of the Planning Commission. She said they talked about accessory building

FINANCIAL UPDATE

DEPARTMENT REPORTS

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set backs and the Commission decided to bring that discussion back to a public hearing. Gwen also stated they are looking to make a change to the ordinance that would allow someone to live in an RV on their property if they are building a home. Gwen stated that Mr. Peterson has been working very hard on the sign ordinance, he has had others review it, and the Commission would be going over that next month.

Micheal Davis told Council he submitted a letter to the Joint Hwy Committee stating the City would like to change the scope and funding package for the 2000 East project. He stated it has been sent out and is waiting to be voted on.

There was nothing brought forward under other matters or future council matters.

***OTHER MATTERS AND
FUTURE COUNCIL
MATTERS***

With no other business before the Council, Kenneth Reynolds **moved** to adjourn the meeting at 8:40. Gordon Kitchen **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 10th DAY OF FEBRUARY 2022

BY: _____

ATTEST: _____

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Report Criteria:

Invoices with totals above \$0.00 included.

Only unpaid invoices included.

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-22500 HEALTH INSURANCE	22	American Family Life Assurance	Insurance Premium/employee w/h	14471	01/25/2022	91.26
10-22500 HEALTH INSURANCE	410	HealthEquity, Inc.	HSA Monthly Fees	40C7FKQ	02/05/2022	15.75
10-22500 HEALTH INSURANCE	490	Judd, Dennis L.	D. Judd dental insurance	490-1221	01/25/2022	85.85-
Total :						21.16
30-40-550 ROAD BOND PRINCI	1109	Utah State Division of Finance	Fire Station Payment (B1525)	1109-122B152	01/30/2022	24,770.00
Total EXPENDITURES:						24,770.00
10-41-230 TRAVEL & PER DIEM	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2207E00822	02/03/2022	50.39
Total LEGISLATIVE:						50.39
10-43-250 VEHICLE MAINTENA	627	Naples Car & Truck Wash	Car washes	236817	02/01/2022	14.00
10-43-251 FUEL & OIL	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2207E00822	02/03/2022	184.64
Total CITY ADMINISTRATOR:						198.64
10-47-133 HEALTH INSURANCE	490	Judd, Dennis L.	D. Judd dental insurance	490-1221	01/25/2022	85.85
10-47-310 PROSECUTING ATT	490	Judd, Dennis L.	Prosecuting Attorney	490-1221	01/25/2022	3,706.92
10-47-330 CITY ATTORNEY - CI	490	Judd, Dennis L.	Civil Attorney	490-1221	01/25/2022	3,902.08
10-47-610 MISCELLANEOUS C	490	Judd, Dennis L.	Copies, phone calls, etc	490-1221	01/25/2022	50.00
Total CITY ATTORNEY:						7,744.85
10-50-270 UTILITIES - SHOP	46	Ashley Valley Water & Sewer	Water and sewer billing 17.0475.1	4751-122SH	01/31/2022	61.00
10-50-270 UTILITIES - SHOP	46	Ashley Valley Water & Sewer	Water and sewer billing 17.0476.1	4761-122SB	01/31/2022	80.80
10-50-270 UTILITIES - SHOP	760	Dominion Energy	Monthly Gas Service - 056686000	0566-0122SH	01/24/2022	488.46
10-50-270 UTILITIES - SHOP	988	Strata Networks	Internet at road dept	4640334	01/31/2022	69.97
10-50-271 UTILITIES - CITY HAL	46	Ashley Valley Water & Sewer	Water and sewer billing 15.1050.1	0501-122OF	01/31/2022	61.00
10-50-271 UTILITIES - CITY HAL	760	Dominion Energy	Monthly Gas Service - 207686000	2076-0122OF	01/24/2022	340.50
10-50-271 UTILITIES - CITY HAL	760	Dominion Energy	Monthly Gas Service - 447509353	4475-0122GEN	01/24/2022	22.74
10-50-271 UTILITIES - CITY HAL	760	Dominion Energy	Monthly Gas Service - 896686000	8966-0122WW	01/24/2022	184.90

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-50-271 UTILITIES - CITY HAL	775	RDT, Inc.	Garbage Service - 1118	1118-0122	02/02/2022	61.00
10-50-271 UTILITIES - CITY HAL	988	Strata Networks	Monthly Phone & Internet Service	4640334	01/31/2022	445.59
10-50-271 UTILITIES - CITY HAL	1107	Utah Department of Technology	Email accounts	2207R0330000	01/31/2022	122.98
10-50-271 UTILITIES - CITY HAL	1168	West End Cleaners, Inc.	Traffic rug for offices	53161	02/01/2022	61.60
10-50-274 UTILITIES - PLAZA P	46	Ashley Valley Water & Sewer	Water and sewer billing 15.1049.1	0491-122PP	01/31/2022	25.50
10-50-274 UTILITIES - PLAZA P	46	Ashley Valley Water & Sewer	Water and sewer billing 16.0435.1	4351-122RSP	01/31/2022	25.50
Total GENERAL GOVERNMENT BUILDINGS:						2,051.54
10-51-248 COMPUTER SUPPLI	1210	Zion's First National Bank	Malware Subscription	174044837	01/27/2022	64.16
10-51-250 EQUIPMENT, SUPPLI	1201	Xerox Corporation	Copy charges for WC7845	15445883	02/01/2022	97.10
10-51-250 EQUIPMENT, SUPPLI	1219	FP Mailing Solutions	Postage machine - quarterly	RI105201326	01/27/2022	99.99
Total SUPPLIES/EQUIPMENT:						261.25
10-52-245 COMPUTER SUPPLI	1006	Uintah County Recorder	Internet charges	59449	02/01/2022	22.10
Total PLANNING AND ZONING:						22.10
10-54-230 TRAVEL & PER DIEM	1210	Zion's First National Bank	Hyatt Place Reservation	2469216D5	01/20/2022	96.32
10-54-240 OFFICE SUPPLIES &	565	Mansfield Printing, Inc.	Business Cards	121070	12/30/2021	24.00
10-54-250 VEHICLE MAINTENA	627	Naples Car & Truck Wash	Car washes	236827	02/01/2022	114.25
10-54-250 VEHICLE MAINTENA	1087	Downtown Dodge	Battery Replacement	607982	01/20/2022	459.24
10-54-251 FUEL & OIL	808	Rocky Mountain Lube & Muffler	Oil change & lube	610909	01/20/2022	65.70
10-54-251 FUEL & OIL	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2207E00822	02/03/2022	1,747.79
10-54-271 UTILITIES-POLICE	46	Ashley Valley Water & Sewer	Water and sewer billing 16.1110.1	1101-122PS	01/31/2022	61.00
10-54-271 UTILITIES-POLICE	760	Dominion Energy	Monthly Gas Service - 045686000	0456-0122PS	01/24/2022	440.28
10-54-271 UTILITIES-POLICE	775	RDT, Inc.	Barrel service	1118-0122	02/02/2022	22.00
10-54-332 MOBILE UNIT EXPEN	53	AT&T Mobility	Wireless Data Connections	287283594206	01/20/2022	280.28
10-54-333 CRIMINAL INVESTIG	1003	Uintah County	Annual Forensic Interviewer	2021-2022	01/13/2022	497.88
10-54-470 UNIFORM ALLOWAN	319	Eagle Engraving, Inc.	Class A Comm Bars	2022-341	01/14/2022	249.65
10-54-610 MISCELLANEOUS S	1210	Zion's First National Bank	UPS	2469216QY	01/14/2022	23.38
Total POLICE DEPARTMENT:						4,081.77

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-58-251 FUEL & OIL	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2207E00822	02/03/2022	49.68
10-58-330 EDUCATION AND TR	1210	Zion's First National Bank	Utah Chapter ICC Training	2405523D	01/19/2022	50.00
Total BUILDING INSPECTOR:						99.68
10-60-251 FUEL & OIL	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2207E00822	02/03/2022	363.27
10-60-274 TOOLS & SUPPLIES	223	Codale Electric Supply	Vol/Current Tester	S7661262.001	01/25/2022	200.83
10-60-274 TOOLS & SUPPLIES	555	Lowe's Commercial Services	Wire Electrical	60294079	01/27/2022	188.10
Total STREETS:						752.20
10-68-270 UTILITIES-STREET LI	1099	Rocky Mountain Power	Monthly Electric Service 6108154	1546-0122ST	01/20/2022	2,407.25
10-68-272 REPAIRS - STREET L	223	Codale Electric Supply	LED lights	S7659972.001	01/24/2022	190.00
10-68-272 REPAIRS - STREET L	223	Codale Electric Supply	Bussman Fuser	S77660707.00	01/25/2022	89.85
Total STREET LIGHTS:						2,687.10
10-70-251 FUEL & OIL	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2207E00822	02/03/2022	203.51
10-70-254 BOBCAT MAINTENA	487	Jones Paint & Glass, Inc.	Battery, Transmitter, Remote	VNI0088079	02/02/2022	2.89
10-70-254 BOBCAT MAINTENA	487	Jones Paint & Glass, Inc.	Battery, Transmitter, Remote	VNI0088106	02/02/2022	110.48
10-70-254 BOBCAT MAINTENA	487	Jones Paint & Glass, Inc.	Battery, Transmitter, Remote	VNI0088116	02/03/2022	4.76
10-70-255 EQUIPMENT REPAIR	7	Airgas USA, LLC	Oxygen refill, Welding Torch repair	9121470704	01/11/2022	140.00
10-70-255 EQUIPMENT REPAIR	7	Airgas USA, LLC	Oxygen refill, Welding Torch repair	9121703184	01/18/2022	8.48
10-70-255 EQUIPMENT REPAIR	509	Kimball Midwest	Cutoff Wheels	9573292	01/27/2022	43.76
10-70-269 SUBDIVISION PARK	46	Ashley Valley Water & Sewer	Water and sewer billing 18.0551.1	5511-122IRON	01/31/2022	27.50
10-70-269 SUBDIVISION PARK	46	Ashley Valley Water & Sewer	Water and sewer billing 18.1826.4	8264-122SUN	01/31/2022	27.50
10-70-271 UTILITIES OF EAST P	46	Ashley Valley Water & Sewer	Water and sewer billing 16.1128.1	1281-122PK	01/31/2022	61.00
10-70-282 ROADSIDE PARK MA	448	Intermountain Farmers Assoc.	Fertilizer	1016596514	02/01/2022	987.39
10-70-320 DRUG AND ALCOHO	454	Intermountain Toxicology	Drug & Alcohol Screening	8001-32945	01/27/2022	78.00
Total BUILDING & GROUNDS:						1,695.27
Grand Totals:						44,435.95

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
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Report Criteria:

Invoices with totals above \$0.00 included.

Only unpaid invoices included.



Item No. _____

MEMO TO: City Council, City Manager
FROM: Dale Peterson

Building Official

Subject: Business License for:

360 Sports
540 South Wright Brothers Drive
Naples, Utah 84078

Recommendation:

This is located in the Winder Industrial Park.

Approve the Business License for.

360 Sports
540 S. Wright Brothers Drive
Naples, Utah 84078

Owner: David & Kara Jushce

Business Activity: Sports Facility

Provide inside sports activities, Volleyball, Socker, basketball, Softball, training and practice. Teams or individuals can come in and compete in games or just practice.

The different sports will be accomplished by curtaining off areas with nets. Because of the size of the building only one sport may be played at a time.

No area will be provided for spectators to watch the games.

Date:

Feb 2, 2022

Zone: I-1

I-1 Zone

02-28-005 SPECIAL PROVISIONS

Any use listed as a permitted use in a C Zone.

C Zone

02-26-004 PERMITTED USES

*Athletic Clubs.

Attachments:

- Pictures





Local Government Approval Memo

Memo Printed on: January 27, 2022 3:39 PM



PROJECT INFORMATION

PIN: 16585
Project No.: F-2850(1)1
Job/Proj: 5525015D
PIN Description: 2000 East; 1900 South to 500 South Naples

CONTRACT INFORMATION

CS Admin: Michael R. Butler (Acting as UDOT)
Contract No.: 21-8523 PE Design of Street Improvements in Naples
Mod No.: 2 Additional PE Design
SOW Completion Date: August 26, 2022
Contract/Mod Amount: \$95,948.26
Cumulative Amount: \$236,391.53
Fee Type: COST PLUS FIXED FEE
Selection Method: GE / LG POOL SMALL PURCHASE
Period: 2019-2022 GE POOL
Phase: PRELIMINARY ENGINEERING
Discipline: PRECONSTRUCTION ENGINEERING

CONTACTS

Consultant	Local Government
CIVCO ENGINEERING INC	City of Naples
Bret Reynolds	Mike Davis
PO BOX 1758	1420 E 2850 S
VERNAL, UT 84078	NAPLES, UT 84078
(435)789-5448 EXT:13	(435) 828-2878
bretreynolds@civcoengineering.com	MCDAVIS@NAPLES.UTAH.GOV

I am aware of and approve the scope, schedule and budget as negotiated by the Consultant for this contract and presented by the UDOT PM Larry Montoya. I acknowledge UDOT has contract limits for Pool Selection Methods. The limit for this contract is \$250,000.00 for the life of the contract, including any future modifications.

Local Government Signature

Date

2000 East in Naples CIVCO Engineering, Inc. Contract Modification 1 Discussion Points

After our contract was underway and we had our project kick off meeting we made a presentation at a city council meeting to provide them an update of the kickoff meeting. It was then decided that a public meeting should be held to discuss the project and that some alternate designs should be presented. The first public meeting led to other meetings at the council plus another public meeting. This resulted in developing more alternative layouts, typicals, cost estimating, public meeting displays, attendance at the public meeting, and evaluation of public comments. Once the second public meeting was over the council made a decision of which typical section they wanted us to proceed with.

We then looked at a couple of options on how to build the road through the gulch areas. This involved development of alternative typicals, modeling and cost estimates.

As part of the gulch crossings, it was determined that the more feasible alternative from both a cost and constructability perspective was to acquire additional right-of-way so that the widening could be done with fill slopes versus walls or reinforced slopes. Therefore, right-of-way documents are needed.

During the development of the CatEx it was determined that the gulches included areas that needed to be mapped for wetlands as it was likely that the fill slopes will impact the wetlands. Design was required to verify that we would be able to keep wetland impacts under 0.1 acres so a nationwide permit would be required but wetland impact mitigation would not be required. A stream alteration permit will also need to be obtained for the gulch areas.

Also, during the CatEx development an older irrigation system ditch was identified as needing a cultural inventory.

With the increase in construction prices recently, the project limits had to be scoped back thus requiring more revisions to the project.

Based on this information and the project being scoped back from 1900 S to 1700 S we have estimated our costs, which are included in our overall budget cost estimates of the project, to be approximately:

Design Revisions: \$40,000

R/W documentation: \$35,000

Cultural and Wetlands: \$20,000

Let me know if you need anything else or have any questions.

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Naples City Resolution Number 22 --

**A RESOLUTION PLACING A TERMINATION DATE ON NAPLES CITY ISSUED DEEDS
WITH POSSIBILITY OF REVERTER AND AUTHORIZING SUBORDINATION UNDER
CERTAIN CIRCUMSTANCES.**

WHEREAS; On or about 2012 Naples City purchased building lots as part of a self-help housing project; and,

WHEREAS; Naples City expended \$28,500 per lot for the lots acquired as part of that program; and,

WHEREAS; A primary objective of the program and of the expenditure of funds to purchase the real property was to establish homes that would be and remain single family owner-occupied residences; and,

WHEREAS; Naples City transferred ownership of those lots without any payment to certain participants in the program by a warranty deed with possibility of reverter; and,

WHEREAS; the deed conveying ownership of the real property in order to assure that the homes would remain single family owner-occupied residences reserved a possibility of reverter if the owner of the real property changed the use from single family owner-occupied residences, unless the owner reimburses the cost of the lot; and,

WHEREAS; two (2) owners have reimburse the City for the cost of the lots in order to be released from the possibility of reverter; and,

WHEREAS; other lots purchased by the City remain subject to the single family owner-occupied requirement; and,

WHEREAS; the City Council desires to establish a date when the possibility of reverter will be terminated for the remaining self-help housing lots; and,

WHEREAS; the City Council desires to authorize the subordination under certain circumstances of the possibility of reverter to a purchase money mortgage.

NOW THEREFORE BE IT RESOLVED; by the legislative body of Naples City as follows:

1. The owner of any lot purchased by Naples City and transferred without compensation to participants in the 2012 self-help housing program which are subject to the possibility of reverter as of the effective date of this Resolution, may request that the City subordinate the possibility of reverter to a legitimate new purchase money mortgage. The Mayor may execute on behalf of the City a subordination of the possibility of reverter, in a form approved by the City Attorney, under the circumstances outlined herein.

2. Any lot that remains subject to the possibility of reverter on or after September 15, 2027 shall, upon approval of the legislative body of Naples City in a regular public meeting, be released from the possibility of reverter, without reimbursement to the City of the cost of the lot, and shall no longer be required to remain owner-occupied residence.

3. This Resolution shall become effective upon approval by a majority of the legislative body of Naples City at a regularly called meeting of the City Council and filing in the official records of Naples City.

Voting on the Motion to Adopt the Resolution:

AYE

NAY

Olson:

Reynolds:

Long:

Kitchen:

Hall:

Dated this _____ day of February, 2022.

Attest:

Dean Baker, Naples City Mayor

City Recorder

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